

218A.1440 Unlawful possession of ephedrine-based products -- AOC to provide Office of Drug Control Policy with updated information on certain drug offenders -- Convicting court to inform defendant of restrictions.

- (1)
 - (a) Notwithstanding KRS 218A.1446, it shall be unlawful for a person convicted after July 12, 2012, of any offense in this chapter relating to methamphetamine or any offense in KRS Chapter 250 or 514 relating to anhydrous ammonia to possess or attempt to possess any compound, mixture, or preparation containing ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers, or salts of optical isomers until five (5) years have elapsed from the later of:
 1. The date the person was convicted;
 2. The date the person was discharged from incarceration; or
 3. The date the person was released from probation, shock probation, parole, or other form of conditional discharge.
 - (b) Notwithstanding KRS 218A.1446, it shall be unlawful for a person convicted prior to July 12, 2012, of any offense in this chapter relating to methamphetamine or any offense in KRS Chapter 250 or 514 relating to anhydrous ammonia to possess or attempt to possess any compound, mixture, or preparation containing ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers, or salts of optical isomers without a prescription until five (5) years have elapsed from the later of:
 1. The date the person was convicted;
 2. The date the person was discharged from incarceration; or
 3. The date the person was released from probation, shock probation, parole, or other form of conditional discharge.
- (2) The Administrative Office of the Courts shall report monthly to the Office of Drug Control Policy for utilization in the electronic logging or recordkeeping mechanism required under KRS 218A.1446 the conviction of any person for any offense in this chapter relating to methamphetamine or any offense in KRS Chapter 250 or 514 relating to anhydrous ammonia, as well as the vacating, reversing, or overruling of any previously reported conviction. The information reported shall include:
 - (a) The defendant's name;
 - (b) The defendant's date of birth;
 - (c) The defendant's address;
 - (d) The defendant's identification number on a government-issued photographic identification document if available in the defendant's records readily available to the circuit clerk;
 - (e) Any offense or offenses specified in subsection (1) of this section for which the defendant was convicted;
 - (f) The defendant's date of conviction; and
 - (g) The defendant's sentence or, if applicable, that the conviction was reversed, overruled, or vacated.

- (3) A court convicting a defendant of an offense triggering the prohibition established in subsection (1) of this section shall inform the defendant of the restrictions contained in this section. Failure of a court to provide the information in accordance with this subsection shall not affect the validity of the prohibition.

Effective: July 12, 2012

History: Created 2012 Ky. Acts ch. 122, sec. 2, effective July 12, 2012.